

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stephen Maxwell Taylor

§ Confirmation No.: 1791

Ian Alexander Shiels

§

Lindsay Charles Brown

§

Michael Whitehouse (As Amended)

§

§

Application Number: 10/510,614

§ Group Art Unit: Unknown

PCT Number: PCT/AU03/00415

§

§

International Filing Date: 7 April 2003

§ Examiner: Unknown

§

For: USE OF C5A RECEPTOR ANTAGONIST
IN THE TREATMENT OF FIBROSIS

§ Attorney Docket No.: 36677.30

(formerly: 4050.003000)

RENEWED PETITION UNDER 37 C. F. R. § 1.47(A) AND 37 C. F. R. § 1.497(D)

MAIL STOP PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing 37 C. F. R. § 1.8 I hereby certify that this correspondence is being deposited with the U. S. Postal Service with sufficient postage as First Class Mail on the date indicated below and is addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313- 1450.
<u>May 3, 2006</u> _____ Date of Deposit
<u>Audrey L. Brown</u> _____ Name of person mailing paper and fee
<u>Audrey L. Brown</u> _____ Signature of person mailing paper and fee

Sir:

This submission is filed in response to the **Decision on Petition** dated March 8, 2006, for which the two (2) month period for response is May 8, 2006. This response is timely filed.

The Office is respectfully requested to reconsider the Decision on Petition in view of the following documents we now enclose herewith:

- (a) Renewed Petition to Add Inventor Michael Whitehouse Under 1.497(d)
- (b) Statement of Added Inventor Under 37 C. F. R. § 1.497(d)(1) executed by Michael Whitehouse (2 pages)
- (c) Consent of Assignee to Add Inventor Michael Whitehouse Under 37 C. F. R. § 1.497(d)(3) executed by Assignee (1 page);

- (d) Copy of Recordation of Assignment to Promics Pty. Limited at Reel/Frame 01658/0335 (6 pages);
- (e) Fee Transmittal Sheet to cover renewed petition fee of \$130.00 under 37 C. F. R. § 1.17(i); and
- (f) Return self-addressed stamped postcard.

1. RESPONSE/REMARKS

In response to the Decision on Petition dated March 8, 2006, Applicants enclose the following documents:

1.1 THE EXECUTED STATEMENT OF ADDED INVENTORS WHITEHOUSE IS PROVIDED

(Item (1), page 2 of the Decision on Petition)

The Decision notes in Item (1), page 2 that Applicants are required to submit a statement by the added inventor that the error in inventorship occurred without any deceptive intention on the part of the inventors added subsequent to the proceedings of the International Application.

To perfect the deficiencies in the previous submission under 37 C. F. R. §1.497(d)(1), Applicants enclose herewith properly-executed Statement by Inventor Whitehouse that his original omission as a joint inventor in the International application occurred without any deceptive intent on his part.

Applicants believe that this submission satisfies the cited provision of the Petition and as such, believe that the application is now placed in condition for examination with respect to a properly-executed Statement of Added Inventor. A renewed petition for favorable finding in Applicants' behalf with respect to fulfillment of Item (1), page 2 of the Decision on Petitions is, therefore, respectfully tendered.

1.2 THE CONSENT OF ASSIGNEE TO ADD INVENTOR WHITEHOUSE IS PROVIDED

(Item (3), page 2 of the Decision on Petition)

Item (3), page 2 of the Decision indicated the need to submit a statement granting the consent of Assignee under 37 C. F. R. §3.73(b) in further compliance with 37 C. F. R. §1.497(d)(3) with respect to the addition of Inventor Whitehouse.

To that end, Applicants enclose herewith a properly-executed Statement by the Assignee to Add Inventor Whitehouse as a joint inventor. The Assignee formally assents to the addition of Professor Whitehouse. The assignment of rights to the assignee for each of the signing joint inventors has been submitted for recordation at Reel/Frame 016658/0335. (A copy of the recordation of Assignment to Promics Pty. Limited is enclosed herewith).

Applicants believe that this submission satisfies the cited provision of the Petition under Rule 1.497(d)(3) and as such, believe that the application is now placed in condition for examination with respect to a properly-executed Consent of Assignee to Add Inventors. Applicants respectfully renew their petition for favorable finding on Applicants' behalf with respect to fulfillment of Item (3), page 2 of the Decision on Petitions in view of this submission.

1.3 REMARKS

Applicants believe this to be a full, complete, and timely response to the Decision on Petition, and respectfully requests that the Legal Officer in Charge grant a favorable decision in view of Applicants' current Renewed Petition.

Should the Petitions Officer or the Examination Division have any questions, a telephone call to the undersigned Applicants' representative would be appreciated.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the papers submitted herewith or to credit any overpayment to Deposit Account No. 08-1394.

Respectfully submitted,



Mark D. Moore, Ph.D.
Registration No. 42,903

Date: 5/3/06
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 713-547-2040
Facsimile: 214-200-0853

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Stephen Maxwell Taylor §
Ian Alexander Shiels §
Lindsay Charles Brown §
Michael Whitehouse (As Amended) §

Confirmation Number: 1791

Application Number: 10/510,614 §
PCT Number: PCT/AU03/00415 §

Group Art Unit: Unknown

International Filing Date: 7 April 2003 §

Examiner: Unknown

For: USE OF C5A RECEPTOR ANTAGONIST § Attorney Docket No: 36677.30
IN THE TREATMENT OF FIBROSIS § (formerly 4050.003000)

**RENEWED PETITION TO ADD INVENTOR MICHAEL WHITEHOUSE
UNDER 1.497(D)**

Mail Stop PCT
Commissioner of Patents
Office of PCT Legal Administration
PO Box 1450
Alexandria, VA 22313-1450

05/12/2006 LLANDGRA 00000072 081394 10510614
01 FC:1464 130.00 DA

Sir:

Applicants request the addition of following named person as co-inventor in the above-captioned application pursuant to 37 CFR §1.497(d):

Michael Whitehouse
37 Waratah Ave.
Holland Park W.
Queensland 4121
Australia
Citizenship: Australian

Certificate of Mailing 37 C. F. R. § 1.8	
I hereby certify that this correspondence is being deposited with the U. S. Postal Service with sufficient postage as First Class Mail on the date indicated below and is addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>May 3, 2006</u>	
Date of Deposit	
<u>AUTREY L. BROWN</u>	
Name of person mailing paper and fee	
<u>Autrey L. Brown</u>	
Signature of person mailing paper and fee	

Application Number: 10/510,614
PCT Number: PCT/AU03/00415

The PCT application to which the above-referenced U.S. application claims priority PCT/AU03/00415, was filed listing Stephen Maxwell Taylor, Ian Alexander Shiels, and Lindsay Charles Brown as joint inventors. Michael Whitehouse was inadvertently omitted as a joint inventor to the PCT Application. Subsequently on entry into the U.S. national stage, the inventors for the U.S. application were identified as Stephen Maxwell Taylor, Ian Alexander Shiels, and Lindsay Charles Brown. After filing, it was also determined that Michael Whitehouse was a proper joint inventor of the U.S. application and was so identified on the Declaration.

Therefore, Applicants request the addition of Michael Whitehouse for the present application.

The required processing fee of \$130.00 is authorized to be charged to Deposit Account No. 08-1394. The Commissioner is hereby authorized to charge any further fees associated with this communication, or to credit any overpayment, to Deposit Account of Haynes and Boone, LLP Number 08-1394.

Respectfully submitted,



Mark D. Moore, Ph.D.
Registration No. 42,903

Date: 05/03/06
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 713-547-2040
Facsimile: 214-200-0853

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: § Confirmation Number: 1791
Stephen Maxwell Taylor §
Ian Alexander Shiels §
Lindsay Charles Brown §
Michael Whitehouse §
(As Amended) §

Application Number: 10/510,614 § Group Art Unit: Unknown
PCT Number: PCT/AU03/00415 §

International Filing Date: 7 April 2003 § Examiner: Unknown
§
For: USE OF C5A RECEPTOR § Attorney Docket No: 36677.30
ANTAGONIST IN THE § (formerly 4050.003000)
TREATMENT OF FIBROSIS

STATEMENT OF JOINT INVENTOR MICHAEL WHITEHOUSE
UNDER 37 C. F. R. § 1.497(d)(1)

Mail Stop PCT
Commissioner for Patents
Office of Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-	
1450.	
<u>May 3, 2006</u>	
Date of Deposit	
<u>Aurey L. Brown</u>	
Name of person mailing paper and fee	
<u>Aurey L. Brown</u>	
Signature of person mailing paper and fee	

I, MICHAEL WHITEHOUSE, HEREBY DECLARE AS FOLLOWS:

1. The PCT application to which the above-referenced U.S. national stage application claims priority was originally filed listing Stephen Maxwell Taylor, Ian Alexander Shiels, and Lindsay Charles Brown, as joint inventors.

2. It was determined that I, Michael Whitehouse, am also a proper joint inventor for the above-referenced U.S. national stage application.

3. I was added as a joint inventor after entry in the US national stage application by Applicants' filing a Declaration on 11 October 2005 (A copy of which is attached hereto).

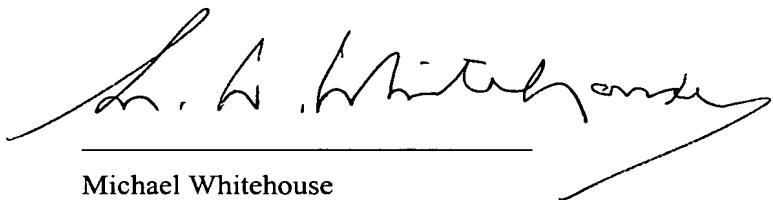
4. My omission as a co-inventor of the PCT application was an inadvertent oversight, which occurred without deceptive intent on my part.

5. My omission as a co-inventor on the above-referenced U.S. national stage application, was also an inadvertent oversight, which also occurred without deceptive intent on my part.

6. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U. S. C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Th April 2006

Date



Michael Whitehouse

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stephen Maxwell Taylor § Group Art Unit: Unknown
Ian Alexander Shiels §
Lindsay Charles Brown § Examiner: Unknown
Michael Whitehouse (As Amended) §
Application Number: 10/510,614 § Attorney Docket No.: **36677.30**
PCT Number: PCT/AU03/00415 § (formerly: 4050.003000)

International Filing Date: 7 April 2003 §

For: USE OF C5A RECEPTOR ANTAGONIST § Confirmation Number: 1791
IN THE TREATMENT OF FIBROSIS §

CONSENT OF ASSIGNEE TO ADD INVENTOR

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-	
1450.	
<u>May 3, 2006</u>	
Date of Deposit	
<u>Autrey L. Brown</u>	
Name of person mailing paper and fee	
<u>Autrey L. Brown</u>	
Signature of person mailing paper and fee	

Dear Sir:

The undersigned, Promics Pty Limited, being the assignee of record of the entire interest in the above-identified application by virtue of Assignments concurrently submitted for recordation in the U.S. Patent and Trademark Office, hereby consents to the addition of Michael Whitehouse as a joint inventor in the above-captioned patent application.

ASSIGNEE:

PROMICS PTY LIMITED

By: Alan Scott

Name: Alan Scott

Title: Managing Director

Date: April 4th 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCTOBER 19, 2005

PTAS

500055931A

MARK D. MOORE
901 MAIN STREET
SUITE 3100
DALLAS, TX 75202

500055931A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350.
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,
MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 10/19/2005

REEL/FRAME: 016658/0335
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: 36677.30

ASSIGNOR:

MAXWELL, STEPHEN TAYLOR

DOC DATE: 08/05/2005

ASSIGNOR:

SHIELS, IAN ALEXANDER

DOC DATE: 08/05/2005

ASSIGNOR:

BROWN, LINDSAY CHARLES

DOC DATE: 08/05/2005

016658/0335 PAGE 2

ASSIGNEE:

PROMICS PTY. LIMITED
BUILDING 64, PHYSIOLOGY &
PHARMACOLOGY DEPT.
UNIVERSITY OF QUEENSLAND, ST.
LUCIA
QUEENSLAND, AUSTRALIA 4072

SERIAL NUMBER: 10510614

PATENT NUMBER:

TITLE: THERAPEUTIC METHOD

FILING DATE:

ISSUE DATE:

JEFFREY OLSEN, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

1
PATENT ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

10/19/2005
500055931

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT

CONVEYING PARTY DATA

Name	Execution Date
Stephen Taylor Maxwell	08/05/2005
Ian Alexander Shieles	08/05/2005
Lindsay Charles Brown	08/05/2005

RECEIVING PARTY DATA

Name:	Promics Pty. Limited
Street Address:	Building 64, Physiology & Pharmacology Dept.
Internal Address:	University of Queensland, St. Lucia
City:	Queensland
State/Country:	AUSTRALIA
Postal Code:	4072

PROPERTY NUMBERS Total: 1

Property Type	Number
Application Number:	10510614

CORRESPONDENCE DATA

Fax Number: (214)200-0853

Correspondence will be sent via US Mail when the fax attempt is unsuccessful.

Phone: 713-547-2040

Email: ipdocketing@haynesboone.com

Correspondent Name: Mark D. Moore

Address Line 1: 901 Main Street

Address Line 2: Suite 3100

Address Line 4: Dallas, TEXAS 75202

ATTORNEY DOCKET NUMBER: 36877.30

NAME OF SUBMITTER: Mark D. Moore

CH \$40.00 10510614

Total Attachments: 2

source=30 executed assignment#page1.tif

source=30 executed assignment#page2.tif

PATENT
FILE NO. 36677.30 (4050.003000)

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to Promics Pty Limited (the "Assignee"), having a place of business at Building 64, Physiology & Pharmacology Dept., University of Queensland, St. Lucia, Queensland 4072, Australia, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 10/S10,614 which has been filed on October 07, 2004 and is entitled "Use of CSA Receptor Antagonist in the Treatment of Fibrosis", such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: 
Name: Stephen Maxwell Taylor

Date: 5th August 2005

Witness' Signature: J. Costello

Name: JACLYN COSTELLO
Date: 5th August 2005

Signature: Ian Alexander Shiels Date: 05/08/05 (August)
Name: Ian Alexander Shiels

Witness' Signature: J. Costello
Name: JACLYN COSTELLO
Date: 5th August 2005

Signature: Lindsay Brown Date: 5/8/05 (AUGUST 5TH, 2005)
Name: Lindsay Charles Brown

Witness' Signature: J. Costello
Name: JACLYN COSTELLO
Date: 5th August 2005

Signature: _____ Date: _____
Name: Michael Whitehouse

Witness' Signature: _____
Name: _____
Date: _____

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

Complete if Known

Application Number	10/510,614
Filing Date	7 April 2003 (I.A. Filing Date)
First Named Inventor	Stephen Maxwell Taylor
Examiner Name	Unknown
Art Unit	Unknown
Attorney Docket No.	36677.30 (formerly 4050.003000)

METHOD OF PAYMENT (check all that apply)
 Check Credit Card Money Order None Other (please identify): _____

 Deposit Account Deposit Account Number: 08-1394 Deposit Account Name: Haynes and Boone, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 200 100

Multiple dependent claims 360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=			
HP = highest number of total claims paid for, if greater than 20					

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=			
HP = highest number of independent claims paid for, if greater than 3					

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

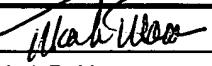
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		=

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Petition Fee Under 37 CFR 1.17(i) 130

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 42,903	Telephone 713-547-2040
Name (Print/Type)	Mark D. Moore		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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